HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A No.1779 of 2003 (O&M)
Date of decision : 16.4.2007

Haryana State Electricity Board and others .....Appellants

versus

M/s Sandeep Plastic and another .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Rajinder Kumar Singla, Advocate for the appellants.

* * *

ORDER

HEMANT GUPTA, J.

C.M.No.5121-C of 2003

For the reasons mentioned in the application, the delay of 115 days in refiling the appeal is condoned.

R.S.A.No.1779 of 2003

The defendants are in second appeal aggrieved against the judgment and decree passed by the Courts below whereby it has been found that the defendants have wrongly issued bill for Rs.1,21,093/- on the basis of the audit report.

The sole argument raised by learned counsel for the appellants is that the jurisdiction of the Civil Court is barred. Reliance is placed on the judgment of Hon'ble Supreme Court of India reported as ***"Punjab State Electricity Board and others versus Ashwani Kumar, Judgments Today 1997 (5) S.C.182".*** The said judgment has been considered by this Court in a case reported as ***"M/s Ranbaxy***

Laboratories Ltd. versus Punjab State Electricity Board, Patiala, 2004 (2) P.L.R.-101", wherein it has been held that the jurisdiction of the Civil Court is not barred.

Thus, the sole argument of the learned counsel for the appellants is not tenable in law. Therefore, the present appeal is dismissed as no substantial question of law arises for consideration of this Court in second appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

April 16, 2007
**mohinder*